

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADAM JUDKINS,

Plaintiff

v.

CLARK COUNTY DETENTION CENTER,

Defendant.

Case No. 2:22-cv-00878-APG-EJY

ORDER

Pending before the Court is Plaintiff's initiating document which is styled as a Motion to Suppress Evidence in his state court case. ECF No. 1-1. Plaintiff did not submit an application to proceed *in forma pauperis* or pay the \$402 filing fee in this matter. Plaintiff's Motion does not comply with Local Special Rule 2-1.

I. Discussion

A. There Is No Application To Proceed *In Forma Pauperis* And The Filing Fee Has Not Been Paid.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed Application to Proceed *in Forma Pauperis* for Inmate, on this Court's approved form (pages 1 through 3 with the inmate's two signatures on page 3),

(2) a Financial Certificate properly signed by both the inmate and a prison or jail official (page 4 of this Court's approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

1 Plaintiff has not submitted an application to proceed *in forma pauperis* and, as stated, has not
2 paid the required filing fee.

3 B. Plaintiff's Initiating Document Does Not Comply With Local Rules.

4 Plaintiff's initiating document, at ECF No. 1-1, fails to comply with Local Special Rule 2-1
5 ("LSR 2-1") requiring a civil rights complaint filed by a person who is not represented by an attorney
6 to be submitted on the form provided by the Court. The complaint must be legible and contain
7 substantially all the information called for by the Court's form. Plaintiff's initiating document is styled
8 as a motion and does not include the information required by the Court.

9 **II. Order**

10 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court **will** send Plaintiff the
11 approved form for filing a § 1983 complaint, the approved form application to proceed *in forma*
12 *pauperis* by an inmate, and the information and instructions for filing both documents.

13 IT IS FURTHER ORDERED that on or before **August 5, 2022**, Plaintiff must (1) file a
14 complaint in compliance with LSR 2-1, and (2) either pay the \$402 filing fee for a civil action or file
15 with the Court: (1) a complete Application to Proceed in Forma Pauperis for Inmate on the Court's
16 approved form; (2) a Financial Certificate properly signed by both the inmate and a prison or jail
17 official; and (3) a copy of the inmate's prison or jail trust fund account statement for the previous
18 six-month period.

19 IT IS FURTHER ORDERED that failure to file a complaint in compliance with LSR 2-1 and
20 either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before
21 **August 5, 2022**, will result in a recommendation to dismiss this action without prejudice. A dismissal
22 without prejudice allows Plaintiff to file his case with the Court, under a new case number, when he
23 is able to comply with LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay
24 the required filing fee.

25 DATED this 7th day of July, 2022.

26 
27 ELAYNA J. YOUCHAK
28 UNITED STATES MAGISTRATE JUDGE